

REMARKS

The examiner removed the provisional double patenting rejection under 35 U.S.C. 101 set forth in the previous office action, regarding applications 10/735,595, 10/734,618, 10/734,616, and 10/734,617.

35 U.S.C. § 103

The examiner rejected Claims 1-4, 7-10, and 13-17, and 20 under 35 U.S.C. 103(a) as being unpatentable over Abbasi (USPN 6,786,863) in view of Choy et al. (USPN 6,695,770; hereinafter Choy).

In the prior reply, Applicant argued that claim 1 was distinct over Abbasi taken separately or in combination with Choy... Abbasi did not "disclose a mannequin having life-like features." and that "Abbasi also does not disclose that the mannequin comprises a body and a camera coupled to the body the camera for sending video signals to a communications network.", and pointed out that "Claim 1 further requires a set of goggles including a display to render electrical signals representative of video received from the communications network and a transducer to transduce electrical signals representative of audio received from the communications network."

The examiner argues that: "Applicant purports that nowhere does Abbasi discloses a mannequin having life-like features; arguing that Abbasi appears to merely teach replicas of human components. The examiner disagrees."

The examiner places too-much emphasis on the feature of the mannequin, which is not disclosed by Abbasi, and fails to address the other features of claim 1, namely, "mannequin having life-like features" and that "the mannequin comprises a body and a camera coupled to the body the camera for sending video signals to a communications network.", and pointed out that "Claim 1 further requires a set of goggles including a display to render electrical signals representative of video received from the communications network and a transducer to transduce electrical signals representative of audio received from the communications network."

No combination of Abbasi with Choy describes or suggests that the mannequin comprises a body and a camera coupled to the body the camera for sending video signals to a communications network, and a set of goggles including a display to render electrical signals representative of video received from the communications network and a transducer to transduce electrical signals representative of audio received from the communications network.

The thrust of Applicant's argument was not merely that Abbasi did not disclose a mannequin, which is in fact correct, but rather that Abbasi in combination with Choy does not suggest the arrangement of the camera sending video over a communications network and the goggles including a display receiving video from the network. Whether the references are taken separately or in combination, the concept of a virtual encounter, as expressed in claim 1, not merely virtual reality, as disclosed by Choy, is neither described nor suggested.

The examiner argues in part:

Claims are given their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541,550-551 (CCPA 1969). See also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1326, 1322 (Fed. Cir. 1989). It is noted that according to Merriam-Webster online dictionary, "mannequin" is defined as: a form representing the human figure used especially for displaying clothes. Accordingly, Abbasi discloses human lip surrogate 62 comprising a human lip model, mouth cavity 80 having teeth, and facial hair (See Col. 5, lines 10-26; Fig. 2). Thus, it is the examiner's position that human lip surrogate described in Abbasi is a form representing part of a human figure. It is further noted that the claims do not include a limitation that requires an entire human figure.

Applicant contends that any reasonable reading of the specification of Abbasi and Applicant's specification and claims, by one skilled in the art would draw the conclusion that Applicant's claims are directed to a mannequin with a body, whereas Abbasi is directed to simulated parts but neither to a body nor a mannequin. Indeed, the examiner's citation to Merriam-Webster does not support the examiner's contention.

The examiner further argues that:

Even if the term mannequin were to be interpreted to require an entire human body representation, Choy discloses a virtual encounter system that includes mannequins or life-sized dolls with artificial male or female genitalia, in order to have a sexual experience with a virtual human (See Choy, Col. 2, lines 4-22). Therefore, if Abbasi's surrogate human parts are not considered mannequins, it

would have been an obvious modification for one of ordinary skill the art in light of Choy's teachings.

The examiner now argues that Choy teaches the claimed mannequin. Applicant concedes that Choy teaches a "doll" and arguably one could say a mannequin, however again the examiner does not address the features of the claim. While some combination of these references may teach a mannequin, what makes the claims allowable, are the features that the mannequin comprises a body and a camera coupled to the body the camera for sending video signals to a communications network and a set of goggles including a display to render electrical signals representative of video received from the communications network and a transducer to transduce electrical signals representative of audio received from the communications network.

Claim 2

Applicant's claim 2, as amended, limits the features in claim 1, the mannequin, the microphone, the transducer and the set of goggles as first ones, with the system further including a second mannequin in a second, different location ... a second microphone ... a second camera ... and a second set of goggles. As expressed in claim 2, the first set of goggles receive video and audio signals from the camera and microphone on the second mannequin and the second set of goggles receive video and audio signals from the camera and microphone on the first mannequin. No combination of the references suggests these features.

The examiner argues

Regarding claims 2 and 16, Abbasi discloses a system wherein the mannequin is at a first location with the camera being a first camera and the microphone being a first microphone and the display being the first display, the system further comprising: a second mannequin in the second different location, the second mannequin having a second microphone and a second camera; and a second display to receive the video signals from the first camera and a second earphone to receive the audio signals from the first microphone (See Col. 4, lines 37-47; Fig. 1).

As discussed above, Abbasi does not disclose a mannequin nor does Abbasi taken with Choy disclose the features of the camera and microphones and goggles with display and transducer providing signals and rendering signals in the manner claimed.

Claims 3-4, 7-10 and 13-20 are allowable either because they depend directly or indirectly from claim 1 or contain analogous features as in claim 1.

The examiner rejected Claims 5-6 and 11-12 under 35 U.S.C. 103(a) as being unpatentable over Abbasi (USPN 6,786,863) in view of Choy et al. (USPN 6,695,770; hereinafter Choy), further in view of Gutierrez (USPN 5,111,290).

Claim 5 requires that the body includes an eye socket and the camera is positioned in the eye socket and claim 6 requires that the body includes an ear canal and the microphone is positioned within the ear canal. The examiner argues that:

...In this case, the combination of Abbasi and Choy discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of (as per claims 5 and 6) positioning the camera in the eye socket of the body; (as per claims 6 and 12) positioning the microphone in an ear canal of the simulated body. However, Gutierrez teaches a virtual mannequin comprising a video camera concealed in the eye socket of the mannequin (Col. 1, lines 57-65). In view of Gutierrez, it would have been obvious to one of ordinary skill in the art to modify the placement of the mannequin camera and microphone described in the combination of Abbasi and Choy, by concealing them within the mannequin and thereby avoiding the unattractive appearance of the camera and microphone.

The examiner acknowledges that combination of Abbasi and Choy does not "explicitly" disclose these features and relies on Gutierrez. Gutierrez teaches a surveillance system having a miniature television camera and a RF video transmitter mounted in a mannequin.

Applicant contends that the motivation to combine Abbasi and Choy with Gutierrez is found only after examination of Applicant's invention through an improper application of hindsight reconstruction, in that the base reference Abbasi does not teach the mannequin in the first instance, and Choy does not teach the features of the video and audio over the communications network (as pointed out above) and none of the references teaches the specific features of the goggles. Therefore, the motivation is not sufficient, since Gutierrez is directed to a surveillance system, and placement of the camera in Gutierrez is for the purpose of concealment, not to avoid an unattractive appearance as the examiner argues. In contrast, in claim 5 the placement is for the purpose of providing a life-like experience by having the camera and microphones correspond to the eye level and ear position of a person represented by the mannequin.

The prior art made of record and not relied upon is seen as neither describing nor suggesting the claimed invention.

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Respectfully submitted,

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